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August 15, 2022

The Honorable John R. Tunheim
Chief U.S. District Judge
District of Minnesota
United States District Court
300 South Fourth Street
Minneapolis, MN 55415

Re: Unopposed Request to Re-allocate Word Count Among Class-Certification Briefs
(In Re Pork Antitrust Litig., 0:18-cv-01776 JRT/JFD)

Dear Judge Tunheim:

I write on behalf of Defendants who have not settled with the putative classes (“Defendants”)¹ to respectfully request that Defendants be allowed to follow a modified briefing structure in their forthcoming oppositions to the motions for class certification filed by Direct Purchaser Plaintiffs, Commercial and Institutional Indirect Purchaser Plaintiffs, and Consumer Indirect Purchaser Plaintiffs’ (collectively, “Class Plaintiffs”), which are due to be filed on August 24, 2022.

On April 29, 2022, the Court granted Class Plaintiffs’ unopposed request to exceed the word limits prescribed by D. Minn. LR 7-1 (f)(1)(B)-(C) for their briefs in support of their class certification motions. (ECF Nos. 1273-1274.) The Court ordered that each putative class was allowed 24,000 total words for their opening and reply briefing, and Defendants were allowed 24,000 words for their oppositions to each of the three putative class’s opening briefs. *Id.*

Upon review of the three putative class briefs in support of their respective motions for class certification (ECF Nos. 1320, 1337, 1343), Defendants have determined that they can more efficiently oppose the three motions through the filing of four opposition briefs: one brief addressing issues common to the three putative classes and one brief each addressing issues specific to the three putative classes. The combined length of the four briefs will not exceed the 72,000 total words allotted to Defendants by this Court’s prior order, meaning Defendants do not seek an enlargement of their total word count.

¹ Clemens Food Group, LLC, Clemens Family Corp., Hatfield Quality Meats (collectively, “Clemens”); Hormel Foods Corp., Hormel Foods, LLC (collectively, “Hormel”); Seaboard Foods LLC (“Seaboard”); Triumph Foods, LLC (“Triumph”); and Tyson Foods, Inc., Tyson Fresh Meats, Inc. and Tyson Prepared Foods, Inc. (collectively, “Tyson”).

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Granting the parties' request would further the purposes of judicial economy and full resolution of the issues currently before the Court by allowing comprehensive briefing in advance of oral argument.

Counsel for Defendants conferred with Class Plaintiffs' counsel, and Class Plaintiffs' counsel stated that Class Plaintiffs do not oppose this request so long as Defendants agree not to oppose a similar accommodation for Plaintiffs' replies (to which Defendants agreed). Accordingly, this request is submitted unopposed.

For the above reasons, Defendants respectfully request that the Court grant their request to file four briefs in opposition to Class Plaintiffs' pending motions for class certification. The Parties agree the total word limits as ordered by the Court on April 29, 2022 (ECF. No. 1274) will not be altered by this order.

Sincerely,



Lindsey Strang Aberg